

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

YOLANDA HASTON

Plaintiff,

v.

CASE NO.: 8:11-cv-02061-JFM

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Defendant.

ANSWER

NOW COMES Defendant Portfolio recovery Associates, LLC (“Portfolio”), by counsel, and for its Answer to the Plaintiff’s Complaint, states as follows:

INTRODUCTION

1. Portfolio admits that the Plaintiff’s Complaint claims a violation of the Fair Debt Collection Practices Act (“FDCPA”), but denies that Portfolio violated the FDCPA.

2. The allegations of paragraph 2 are legal conclusions to which no response is required.

JURISDICTION AND VENUE

3. Portfolio admits that this Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1692k(d).

4. The allegations of paragraph 4 are legal conclusions to which no response is required. Furthermore, Defendant denies that personal jurisdiction is established in this Court based on Defendant’s alleged conduct of business in Illinois.

5. The allegations of paragraph 5 are legal conclusions to which no response is required.

PARTIES

6. Portfolio lacks sufficient information to admit or deny the allegations contained in paragraph 6 of the Complaint and therefore denies the same.

7. The allegations of paragraph 7 are legal conclusions to which no response is required.

8. Portfolio admits the allegations in Paragraph 8 of the Complaint.

9. Portfolio admits the allegations in Paragraph 9 of the Complaint that the principal purpose of its business is the collection of debts but denies that Portfolio regularly attempts to collect debts alleged to be due another.

FACTUAL ALLEGATIONS

10. Portfolio denies the allegations in Paragraph 10 of the Complaint.

11. Portfolio admits the allegations in Paragraph 11 of the Complaint.

12. Portfolio denies the allegations in Paragraph 12 of the Complaint.

13. Portfolio denies the allegations in Paragraph 13 of the Complaint and has never called the number identified in Paragraph 13 of the Complaint.

14. Portfolio denies the allegations in Paragraph 14 of the Complaint.

15. Portfolio denies the allegations in Paragraph 15 of the Complaint.

16. Portfolio denies the allegations in Paragraph 16 of the Complaint.

17. Portfolio denies the allegations in Paragraph 17 of the Complaint.

COUNT I

18. Portfolio denies each and every allegation in Paragraph 18 of the Complaint.

WHEREFORE, Portfolio Recovery Associates, LLC respectfully requests that this Honorable Court award judgment in favor of Portfolio Recovery Associates, LLC and against

Plaintiff, together with costs, reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3) and such other relief as this Honorable Court may deem appropriate.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' Complaint and each count claimed therein fails to state a claim against Portfolio upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Portfolio denies both the material allegations of Plaintiffs' Complaint and that Plaintiff is entitled to the relief requested therein.

THIRD AFFIRMATIVE DEFENSE

Portfolio affirmatively invokes and asserts all defenses created by and under the Fair Debt Collection Practices Act, including that Plaintiffs' claim is barred by the bona fide error defense and that Portfolio's conduct was in good faith and in conformity with a formal opinion of the Federal Trade Commission.

FOURTH AFFIRMATIVE DEFENSE

Portfolio affirmatively asserts the defense of failure to mitigate damages.

WHEREFORE, Portfolio Recovery Associates, LLC respectfully requests that the Complaint be dismissed with prejudice and that it be awarded costs of this action, reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) and such other relief as this Honorable Court may deem appropriate.

Dated this 2nd day of September, 2011.

Respectfully Submitted,

/s/ Keith S. McGurgan
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Attorney for Portfolio Recovery Associates, LLC

CM/ECF CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of September, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing electronically to the following:

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